

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 IO-10 OIC-02 AF-06 ARA-10 EA-09

NEA-10 CAB-05 CIAE-00 COME-00 DODE-00 DOTE-00 INR-07

NSAE-00 FAA-00 L-03 /082 W
----- 100833

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FM AMCONSUL MONTREAL

TO SECSTATE WASHDC PRIORITY 7124

UNCLAS MONTREAL 2068

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO COUNCIL CONSIDERATION MAJOR AMENDMENT TO ANNEX 13 - -
AIRCRAFT ACCIDENT INVESTIGATION (CWP 6256).

REF: STATE 287370

1. COUNCIL TOOK UP THIS MAJOR PAPER IMMEDIATELY FOLLOWING ISRAEL/ARAB CONFRONTATION DEC 17. ATMOSPHERE WAS EXTREMELY NEGATIVE AND TENSE. EARLY DISCUSSION INCLUDED DELIBERATION REGARDING PAGE 1 A) NOTE AND REFERENCE TO "STOWAWAY" (PAGE A-7). NEXT POINT TOUCHED ON WAS ON PAGE A-11 WHERE THERE WAS A SPECIFIC NOTICE TAKEN OF STUDY UNDERWAY IN LEGAL BUREAU REGARDING "LEASE CHARTER AND INTERCHANGE" WHICH MIGHT "REQUIRE CHANGING CHICAGO CONVENTION". SERIOUS DISCUSSION AND ATTACKS BEGAN AT PAGE A-16 ON QUESTION OF "RESPONSIBILITY OF THE STATE OF MANUFACTURE". INTERVENTIONS WERE TIME-CONSUMING BUT LEAD TO NO CHANGES IN 4.6 OR 4.7. ON PAGE A-18 UK ASKED FOR A CONFIRMATION RE PARA 5.1, WHEN DELEGATION OF THE INVESTIGATION THE THE STATE OF REGISTRY TAKES PLACE, "THAT STATE BECOMES THE STATE CONDUCTING THE INVESTIGATION".

2. SERIOUS INTERVENTIONS/PROPOSALS/VOTES BEGAN TO JEOPARDIZE CONTENT OF PAPER AT PAGE A-24, PARA 5.22. JAPAN LEAD A DRIVE TO WATER-DOWN PARA AND FINALLY PROPOSED ADDING FOLLOWING PHRASE TO END OF PARA "....UNLESS SPECIFICALLY
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NOTIFIED BY THE STATE CONDUCTING THE INVESTIGATION THAT SUCH

ACTION IS UNNECESSARY". THE PROPOSAL CARRIED 12/8(US)/1.
ON FOLLOWING PAGE, A-25 COUNCIL BEGAN ATTACKING CRUCIAL
5.23. US AND UK CONTINUED TO MAKE STRONG INTERVENTIONS BUT
OPPOSITION GREW AND SOLIDIFIED. BRAZIL LEAD OUT REGARDING
DELETION OF THE SECOND SENTENCE FINALLY MAKING PROPOSAL.
PRESIDENT COUNCIL USED INCOHESIVE INTERVENTIONS HOWEVER TO
IGNORE PROPOSAL, FINALLY TAKING SHOW OF HANDS FOR THOSE IN FAVOR
OF A "CHANGE" IN THAT SENTENCE, INCLUDING POSSIBILITY OF DELETION.
SHOW OF HANDS WAS "ABOUT TIED" BUT WHEN BRAZIL PUSHED
PRESIDENT, HE ADMITTED IT WAS 8 FOR AND 7 AGAINST. MTG
BECAME MORE HOSTILE AND BOGGED DOWN BY 6:30 AND PRES/COUNCIL
ADJOURNED. DEC 18 A.M. MTG. OPENED WITH INFORMAL SUGGESTION
BY PRESIDENT TO INSERT IN FIRST SENTENCE WORDS AFTER "STATE OF
MANUFACTURE" THE FOLLOWING: "BECAUSE IT FINDS IT APPARENT
THAT AIRWORTHINESS MATTERS ARE INVOLVED IN THE ACCIDENT".
BRAZIL BECAME FURIOUS DEMANDING A VOTE ON HIS PENDING
PROPOSAL TO DELETE SECOND SENTENCE WHICH CARRIED 11 FOR/8
(US) AGAINST/1 ABSTENTION (FRG). FRANCE AND USSR SUPPORTED
DELETION AND INTERVENTIONS OF BOTH WERE DEVASTATING. UK THEN
FORMALLY PROPOSED ABOVE-MENTIONED INSERTION SUGGESTED BY PRES/
COUNCIL. DISCUSSIONS BROUGHT OUT CONFUSION WITH RESPECT TO WHICH
STATE "IT" REFERRED TO SO "IT" WAS CHANGED TO READ "THE FORMER
STATE". OPPOSITION PREVAILED SO US REP SUGGESTED CHANGING
WORD "EVIDENT" TO "APPARENT" AND THE TIDE CHANGED. UK
PROPOSAL CARRIED 12(US)/5(MEXICO, PAKISTAN, USSR, BRAZIL)/2
(LEBANON, SENEGAL). BRAZIL CONTINUED IN AN EMOTIONAL
VEIN AND PROPOSED SOME NEBULOUS WORDING WATERING-DOWN LANGUAGE
WHICH PRESIDENT FINALLY INTERPRETED LEADING TO INSERTING BETWEEN
"ARE" AND "INVOLVED" THE WORDS "OR MIGHT BE". THERE WERE NO
OBJECTIONS. PARA 5.23 NOW READS "WHEN A STATE CONDUCTING AN
INVESTIGATION OF AN ACCIDENT TO AN AIRCRAFT OF A MAXIMUM
WEIGHT OF OVER 100,000 KG SPECIFICALLY REQUESTS PARTICIPATION
BY THE STATE OF MANUFACTURE BECAUSE THE FORMER STATE FINDS IT
APPARENT THAT AIRWORTHINESS MATTERS ARE OR MIGHT BE INVOLVED
IN THE ACCIDENT, THE LATTER STATE SHALL APPOINT AN ACCREDITED
REPRESENTATIVE.

3. PAGE A-26, PARA 5.25 AND 5.26, CZECHOSLOVAKIA MADE LONG
CONFUSED INTERVENTION REGARDING A REQUIREMENT THAT "ADVISERS
AND EQUIPMENT AND COSTS" ALSO BE PROVIDED. THIS WAS REFERRED
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TO THE COMMISSION.

4. ALSO ON A-26 REGARDING 5.2, 6.1 COUNCIL REFERRED TO
COMMISSION A GERMAN PROPOSAL TO STUDY ANOTHER CATEGORY OF
PARTICIPANT, "OBSERVER".

5. PAGE A-29 AND WHOLE QUESTION OF REPORTING WAS CONFUSING
TO GERMANY AND OTHERS BUT APPARENTLY WILL BE TAKEN CARE OF

EDITORIALLY. ON PAGE A-32 AND A-33 USSR BROUGHT UP QUESTION OF DISSENTING OPINIONS IN CONNECTION WITH INVESTIGATION FINAL REPORTS. COMMISSION WILL LOOK AT THIS.

6. ON PAGE A-33, PARA 6.13 UK AGAIN ATTEMPTED TO CHANGE "STATE WHICH INSTITUTED THE INVESTIGATION" TO "STATE INVESTIGATION" AS ONE WITH RESPONSIBILITY AND PREROGATIVE FOR ISSUING THE REPORT. THIS WAS DEFEATED 5(US)/15/1. ON SAME PARA SWEDEN PROPOSED SUBSTITUTING "CONSULTING WITH" FOR "CONSENT". THIS WAS DEFEATED 5/16/1.

7. COUNCIL AGREED TO TAKE ACTION ON CWP 6263, AND UNLAWFUL INTERFERENCE AMENDMENT TO ANNEX 13 AND INCLUDE IT WITH AMENDMENTS IN MAJOR REVISION. THIS WAS APPROVED.

8. PRES/COUNCIL THEN CALLED FOR VOTE ON ADOPTION ON ALL AMENDMENTS (AS AMENDED) TO ANNEX 13 WHICH REQUIRES TWO-THIRDS MAJORITY - 20. US REP REQUESTED SEPARATE VOTE ON PARA 5.22 (WHICH INCLUDED UNDESIRABLE JAPANESE QUALIFICATIONS). PARA RECEIVED ONLY 18 VOTES AND THEREFORE FAILED TO BE ADOPTED. INDONESIA SUGGESTED COUNCIL THEN CONSIDER ORIGINAL COMMISSION TEXT WITHOUT JAPANESE AMENDMENT BY CHANGING WORDS IN FOURTH LINE "IT BELIEVES" TO "IT IS BELIEVED". THIS AMENDMENT PASSED WITH 18 VOTES BUT THERE WAS CONFUSION AS TO WHETHER THIS WAS TO HAVE BEEN A VOTE OF ADOPTION. PRESIDENT DID FAST FOOTWORK, CALLED IT AN ACCEPTANCE OF THE MINOR AMENDMENT, AND REQUESTED AN ADOPTION VOTE. IT PASSED 23(US)/0/4(JAPANESE, CHINA, ARGENTINA, COLOMBIA). THIS RESTORED PARA 5.22 TO ITS ORIGINAL FORM ON PAGE A-24 EXCEPT FOR MINOR INDONESIAN AMENDMENT. SOVIET REP (COMMISSIONER) THEN DECIDED TO TURN THE TABLES AND USE SEPARATE-PARA-VOTE AGAINST US ON PARA 5.23 (WITH DESIRABLE UK AMENDMENT). IT DID NOT WORK AND PARA ADOPTED 20(US)/1(USSR)/3(CHINA, UNCLASSIFIED

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MEXICO, ARGENTINA). PRESIDENT THEN PUT TOTAL REVISION OF ANNEX 13 TO VOTE OF ADOPTION WITH 25(US)/1(CHINA)/1(ARGENTINA).

9. IN OPINION US REP AND COMMISSIONER OUTCOME IS SUPERB AND IN CASE OF 5.23 MAY BE EVEN BETTER THAN BEGINNING LANGUAGE. HARPER

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